

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

| | | |
|---------------------------|---|----------------------|
| ERIC H. HOLDER, JR., | : | |
| ATTORNEY GENERAL OF THE | : | |
| UNITED STATES OF AMERICA, | : | CIVIL ACTION |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| JUAN ANTONIO GAONA, | : | No. 5:10-cv-00494-XR |
| | : | |
| Defendant, | : | |
| | : | |
| v. | : | |
| | : | |
| PLANNED PARENTHOOD | : | |
| SEXUAL HEALTHCARE, | : | |
| | : | |
| Third-Party Defendant. | : | |

PLAINTIFF'S ADR REPORT

TO THE HONORABLE XAVIER RODRIGUEZ, UNITED STATES DISTRICT JUDGE:

NOW COMES Plaintiff Eric H. Holder, Jr., Attorney General of the United States of America, in his official capacity, by the undersigned attorneys, and files this Report on Alternative Dispute Resolution, pursuant to Local Rule CV-88 and the Court's Scheduling Order. Plaintiff states as follows:

1. All parties participated in mediation on November 22, 2010. The mediation was facilitated by Dan A. Naranjo. Each of the parties compensated Mr. Naranjo for mediation services provided. The parties did not reach a settlement during the mediation, but all parties continued the negotiations via telephone during November 23-24, 2010. At this time, it appears that all parties have reached an agreement in principle to settle this matter. Final settlement is

anticipated in approximately two weeks when Counsel for Defendant returns from a scheduled vacation. At such time, it is anticipated that all parties will file the appropriate paperwork with this Court reflecting resolution of this matter.

2. The undersigned Assistant United States Attorney and Senior Trial Attorney of the Civil Rights Division are responsible for settlement negotiations on behalf of the Plaintiff.

3. The undersigned certifies to the Court that the Plaintiff has been informed of ADR procedures available in this district.

Respectfully submitted,

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Western District of Texas

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

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/s/ Joseph C. Rodriguez

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/s/ Wm. E. Nolan

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of December 2010 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Allan E. Parker, The Justice Foundation, 8122 Datapoint Drive, Suite 812, San Antonio, Texas 78229;

Richard Clayton Trotter, The Justice Foundation, 8122 Datapoint Drive, Suite 812, San Antonio, Texas 78229;

Kathleen Cassidy Goodman, Law Office of Kathleen Cassidy Goodman, PLLC, 8122 Datapoint Drive, Suite 805, San Antonio, Texas 78229; and

David L. Ortega, Oppenheimer, Blend, Harrison and Tate, Inc., 711 Navarro, Suite 600, San Antonio, Texas 78205.

/s/ Joseph C. Rodriguez

Joseph C. Rodriguez
Assistant United States Attorney